

February 9, 2022

MEMORANDUM

TO: Docket ID: EPA-HQ-OAR-2021-0619

FROM: Amanda Hansen, Physical Scientist, U.S. EPA

SUBJECT: Proposed New Subpart for 40 CFR Part 60 Subpart KKa: Standards of Performance
Standards for Lead Acid Battery Manufacturing Plants

This memorandum provides the proposed regulation associated with a proposed action titled, *“Review of Standards of Performance for Lead Acid Battery Manufacturing Plants and National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources Technology Review.”*

Attachment 1 to this memorandum, for the convenience of interested parties, presents the subject subpart of the CFR including proposed regulation text. This is a new subpart, so there is no redline/strikeout.

Attachment 1: Regulatory text for proposed new subpart KKa.

Attachment 1
Regulatory text for proposed new Part 60 subpart KKa

Subpart KKa – Standards of Performance for Lead Acid Battery Manufacturing Plants for which Construction, Modification or Reconstruction Commenced After [DATE OF PUBLICATION OF THE PROPOSED RULE IN THE FEDERAL REGISTER]

§60.370a Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the affected facilities listed in paragraph (b) of this section at any lead acid battery manufacturing plant that produces or has the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 5.9 Mg (6.5 tons).

(b) The provisions of this subpart are applicable to the following affected facilities used in the manufacture of lead acid storage batteries:

- (1) Grid casting facility.
- (2) Paste mixing facility.
- (3) Three-process operation facility.
- (4) Lead oxide manufacturing facility.
- (5) Lead reclamation facility.
- (6) Other lead-emitting operations.

(c) Any facility under paragraph (b) of this section the construction, modification, or reconstruction of which is commenced after **[DATE OF PUBLICATION OF THE PROPOSED RULE IN THE FEDERAL REGISTER]**, is subject to the requirements of this subpart.

§60.371a Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) **Bag leak detection system** means a system that is capable of continuously monitoring particulate matter (dust) loadings in the exhaust of a fabric filter (baghouse) in order to detect bag leaks and other upset conditions. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance, or other effect to continuously monitor relative particulate matter loadings.

(b) **Lead acid battery manufacturing plant** means any plant that produces a storage battery using lead and lead compounds for the plates and sulfuric acid for the electrolyte.

(c) **Grid casting facility** means the facility which includes all lead melting pots and machines used for casting the grid used in battery manufacturing.

(d) **Lead oxide manufacturing facility** means a facility that produces lead oxide from lead, including product recovery.

(e) **Lead reclamation facility** means the facility that remelts lead scrap and casts it into lead ingots for use in the battery manufacturing process, and which is not a furnace affected under 40 CFR part 60, subpart L. Lead scrap remelting processes that are used directly (not cast into an ingot first) in a grid casting facility or a three-process operation facility are parts of those facilities and are not part of a lead reclamation facility.

(f) **Other lead-emitting operation** means any lead acid battery manufacturing plant operation from which lead emissions are collected and ducted to the atmosphere and which is not part of a grid casting, lead oxide manufacturing, lead reclamation, paste mixing, or three-process operation facility, or a furnace affected under 40 CFR part 60, subpart L.

(g) **Paste mixing facility** means the facility including lead oxide storage, conveying, weighing, metering, and charging operations; paste blending, handling, and cooling operations; and plate pasting, takeoff, cooling, and drying operations.

(h) **Three-process operation facility** means the facility including those processes involved with plate stacking, burning or strap casting, and assembly of elements into the battery case.

(i) **Total enclosure** means a containment building that is completely enclosed with a floor, walls, and a roof to prevent exposure to the elements and that has limited openings to allow access and egress for people and vehicles.

§60.372a Standards for lead.

(a) On and after the date on which the performance test required to be conducted by §60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere the emissions listed in paragraphs (a)(1) through (9) of this section. The emission limitations and opacity limitations listed in paragraphs (a)(1) through (9) of this section shall apply at all times, including periods of startup, shutdown and malfunction. As provided in 60.11(f), this provision supersedes the exemptions for periods of startup, shutdown and malfunction in the Part 60 general provisions in Subpart A. You must also comply with the requirements in paragraphs (b) and (c) of this section.

(1) From any grid casting facility, any gases that contain lead in excess of 0.04 milligram of lead per dry standard cubic meter of exhaust (0.0000175 gr/dscf).

(2) From a paste mixing facility at a plant that has the capacity to process in one day (24 hours) an amount of lead equal to or greater than 136.1 Mg (150 tons), any gases that contain in excess of 0.10 milligram of lead per dry standard cubic meter of exhaust (0.0000437 gr/dscf).

(3) From a paste mixing facility at a plant that has the capacity to process in one day (24 hours) an amount of lead less than 136.1 Mg (150 tons), any gases that contain in excess of 1.00 milligram of lead per dry standard cubic meter of exhaust (0.000437 gr/dscf).

(4) From any three-process operation facility, any gases that contain in excess of 1.00 milligram of lead per dry standard cubic meter of exhaust (0.000437 gr/dscf).

(5) From any lead oxide manufacturing facility, any gases that contain in excess of 5.0 milligrams of lead per kilogram of lead feed (0.010 lb/ton).

(6) From any lead reclamation facility, any gases that contain in excess of 0.45 milligrams of lead per dry standard cubic meter of exhaust (0.000197 gr/dscf).

(7) From any other lead-emitting operation, any gases that contain in excess of 1.00 milligram of lead per dry standard cubic meter of exhaust (0.000437 gr/dscf).

(8) From any affected facility other than a lead reclamation facility, any gases with greater than 0 percent opacity (measured according to Method 9 and rounded to the nearest whole percentage).

(9) From any lead reclamation facility, any gases with greater than 5 percent opacity (measured according to EPA Method 9 and rounded to the nearest whole percentage).

(b) When two or more facilities at the same plant (except the lead oxide manufacturing facility) are ducted to a common control device, an equivalent standard for the total exhaust from the commonly controlled facilities shall be determined as follows:

$$S_e = \sum_{a=1}^N S_a (Q_{sda} / Q_{sdT})$$

Where:

S_e = is the equivalent standard for the total exhaust stream, mg/dscm (gr/dscf).

S_a = is the actual standard for each exhaust stream ducted to the control device, mg/dscm (gr/dscf).

N = is the total number of exhaust streams ducted to the control device.

Q_{sda} = is the dry standard volumetric flow rate of the effluent gas stream from each facility ducted to the control device, dscm/hr (dscf/hr).

Q_{sdT} = is the total dry standard volumetric flow rate of all effluent gas streams ducted to the control device, dscm/hr (dscf/hr).

(c) The owner or operator must prepare, and at all times operate according to, a fugitive dust mitigation plan that describes in detail the measures that will be put in place and implemented to control the fugitive dust emissions from plant roadways, material storage, and process areas.

(1) The owner or operator must submit the fugitive dust mitigation plan to the Administrator or delegated authority for review and approval when initially developed and any time changes are made.

(2) The fugitive dust mitigation plan must at a minimum include the requirements specified in paragraphs (c)(2)(i) through (v) of this section.

(i) **Cleaning.** Where a cleaning practice is specified, the cleaning must be performed by wet wash or a vacuum equipped with a filter rated by the manufacturer to achieve 99.97 percent capture efficiency for 0.3 micron particles in a manner that does not generate fugitive lead dust.

(ii) **Plant roadways and paved areas.** Surfaces used for vehicular material transfer activity must be cleaned at least once per month, except when sand or a similar material has been spread on plant roadways to provide traction on ice or snow.

(iii) **Materials storage.** Dust forming materials (that contain lead or lead compounds) must be stored in sealed, leak-proof containers or in a total enclosure.

(iv) **Process areas.** Must inspect process areas daily for accumulating lead-containing dusts and wash and/or vacuum the surfaces accumulating such dust consistent with requirements in section (c)(2)(i). Surfaces that accumulate lead-containing dust subject to foot traffic must be cleaned at least once per week.

(v) **Records.** The fugitive dust mitigation plan must specify that records be maintained of all cleaning performed to control fugitive dust emissions.

§60.373a Monitoring of emissions and operations.

(a) The owner or operator of any lead acid battery manufacturing facility subject to the provisions of this subpart and controlled by a scrubbing system(s) shall install, calibrate, maintain, and operate a monitoring device(s) that measures and records the liquid flow rate and pressure drop across the scrubbing system(s) at least once every 15 minutes. The monitoring device shall have an accuracy of ± 5 percent over its operating range. The operating liquid flow rate shall be maintained within ± 10 percent of the average liquid flowrate during the most recent performance test. If a liquid flow rate or pressure drop is observed outside of the normal operational ranges as determined during the most recent performance test, you must record the incident and take immediate corrective actions. You must also record the corrective actions taken. You must submit an excess emissions and monitoring systems performance report and summary report required under §60.375a(c).

(b) Emissions points controlled by a fabric filter without a secondary filter at a plant that has the capacity to process in one day (24 hours) an amount of lead equal to or greater than 136.1 Mg

(150 tons) must meet the requirements of paragraphs (b)(1), (2), and (5) of this section. Emissions points controlled by a fabric filter without a secondary filter at a plant that has the capacity to process in one day (24 hours) an amount of lead less than 136.1 Mg (150 tons) must meet the requirements of paragraphs (b)(1), (2), and (3) or (4) of this section. Fabric filters equipped with a high efficiency particulate air (HEPA) filter or other secondary filter must comply with the requirements specified in paragraph (b)(6) of this section.

(1) You must perform monthly inspections and maintenance to ensure proper performance of each fabric filter. This includes inspection of structural and filter integrity.

(2) You must keep at least one replacement fabric filter onsite at all times for each separate type of fabric filter used at the plant. The characteristics of the replacement filters must be the same as the current fabric filters in use or have characteristics that would achieve equal or greater emission reductions.

(3) Install, maintain, and operate a pressure drop monitoring device to measure the differential pressure drop across the fabric filter during all times when the process is operating. The pressure drop shall be recorded at least once per day. If a pressure drop is observed outside of the normal operational ranges as determined during the most recent performance test, you must record the incident and take immediate corrective actions. You must submit an excess emissions and continuous monitoring system performance report and summary report required under §60.375a(c). You must also record the corrective actions taken and verify pressure drop is within normal operational range. These corrective actions may include but not be limited to those given in paragraphs (b)(3)(i) through (iv) of this section.

- (i) Inspecting the filter and filter housing for air leaks and torn or broken filters.
- (ii) Replacing defective filter media, or otherwise repairing the control device.
- (iii) Sealing off a defective control device by routing air to other control devices.
- (iv) Shutting down the process producing the lead emissions.

(4) Conduct a visible emissions observation at least once per day while the process is in operation to verify that no visible emissions are occurring at the discharge point to the atmosphere from any emissions source subject to the requirements of §60.372a(a) or (b). If visible emissions are detected, you must record the incident and conduct an opacity measurement in accordance with §60.374a(d)(2). If the measurement exceeds the applicable opacity standard in §60.372a(a)(8) or (9), you must submit this information in an excess emissions report as specified in §60.375a(c) and take immediate corrective action. You must also record the corrective actions taken. These corrective actions may include but not be limited to those given in paragraphs (b)(3)(i) through (iv) of this section.

(5) If the fabric filter is not equipped with a secondary filter, operate a bag leak detection system. Each bag leak detection system must meet the specifications and requirements in paragraphs (b)(5)(i) through (ix) of this section.

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter as lead emissions at concentrations at or below the values in

§60.372a(a), as applicable to the process for which the fabric filter is used to control emissions. Where the fabric filter is used as a control device for more than one process, the lowest applicable value in §60.372a(a) must be used.

(ii) The bag leak detection system sensor must provide output of relative particulate matter loadings.

(iii) The bag leak detection system must be equipped with an alarm system that will alarm when an increase in relative particulate loadings is detected over a preset level.

(iv) You must install and operate the bag leak detection system in a manner consistent with the guidance provided in “Office of Air Quality Planning and Standards (OAQPS) Fabric Filter Bag Leak Detection Guidance” EPA-454/R-98-015, September 1997 and the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system.

(v) The initial adjustment of the system must, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device and establishing the alarm set points and the alarm delay time.

(vi) Following initial adjustment, you must not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the approved standard operating procedures manual required under paragraph (b)(2)(ix) of this section. You cannot increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365-day period unless such adjustment follows a complete fabric filter inspection that demonstrates that the fabric filter is in good operating condition.

(vii) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, you must install the bag leak detector downstream of the fabric filter.

(viii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(ix) You must develop a standard operating procedures manual for the bag leak detection system that includes procedures for making system adjustments and a corrective action plan, which specifies the procedures to be followed in the case of a bag leak detection system alarm. The corrective action plan must include, at a minimum, the procedures that you will use to determine and record the time and cause of the alarm as well as the corrective actions taken to minimize emissions as specified in paragraphs (b)(5)(ix)(A) and (B) of this section.

(A) The procedures used to determine the cause of the alarm must be initiated within 30 minutes of the alarm.

(B) The cause of the alarm must be alleviated by taking the necessary corrective action(s) that may include, but not be limited to, those listed in paragraphs (b)(5)(ix)(B)(1) through (6).

(1) Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions.

(2) Sealing off defective bags or filter media.

(3) Replacing defective bags or filter media, or otherwise repairing the control device.

(4) Sealing off defective baghouse compartment.

(5) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

(6) Shutting down the process producing the lead emissions.

(6) Fabric filters equipped with a HEPA filter or other secondary filter are exempt from the requirement to be equipped with a bag leak detection system. You must meet the requirements specified in paragraph (b)(6)(i) and (ii) and either (iii) or (iv) of this section.

(i) You must perform the inspections required in paragraph (b)(1) of this section. You may perform the inspections semiannually rather than monthly.

(ii) You must keep at least one replacement fabric filter onsite at all times for each separate type of fabric filter used at the plant. The characteristics of the replacement filters must be the same as the current fabric filters in use or have characteristics that would achieve equal or greater emission reductions. For emissions points controlled by a fabric filter with a secondary filter at a plant that has the capacity to process 136.1 Mg (150 tons) of more of lead in one day (24 hours), you must also keep at least one replacement secondary filter onsite at all times for each separate type of secondary filter used at the plant.

(iii) You must perform the pressure drop monitoring requirements in paragraph (b)(3) of this section. You may perform these requirements weekly rather than daily.

(iv) You must perform the visible emissions observation requirements in paragraph (b)(4) of this section. You may perform these requirements weekly rather than daily.

§ 60.374a Test methods and procedures.

(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b).

(b) After the initial performance test required in §60.8(a), you must conduct subsequent performance tests to demonstrate compliance with the lead and opacity standards in §60.372a. Performance testing must be conducted for each affected source subject to lead and opacity standards in §60.372a, that has not had a performance test within the last 5 years, except as described in paragraph (c) of this section. Thereafter, subsequent performance tests for each

affected source must be completed no less frequently than every 5 years from the date the emissions source was last tested.

(c) In lieu of conducting subsequent performance tests for each affected source, you may elect to group similar affected sources together and conduct subsequent performance tests on one representative affected source within each group of similar affected sources. The determination of whether affected sources are similar must meet the criteria in paragraph (c)(1) of this section. If you decide to test representative affected sources, you must prepare and submit a testing plan as described in paragraph (c)(3) of this section.

(1) If you elect to test representative affected sources, the affected sources that are grouped together must be of the same process type (e.g., grid casting, paste mixing, three-process operations) and also have the same type of air pollution control device (e.g., fabric filters). You cannot group affected sources from different process types or with different air pollution control device types together for the purposes of this section. This grouping must have the approval of the delegated authority or Administrator.

(2) The results of the performance test conducted for the affected source selected as representative of a group of similar affected sources will represent the results for each affected source within the group. In the report all affected sources in the group will need to be listed.

(3) If you plan to conduct subsequent performance tests on representative emission units, you must submit a testing plan. This testing plan must be submitted to the Administrator or delegated authority no later than 90 days prior to the first scheduled performance test. The testing plan must contain the information specified in paragraphs (c)(3)(i) through (iii) of this section.

(i) A list of all emission units. This list must clearly identify all emission units that have been grouped together as similar emission units. Within each group of emission units, you must identify the emission unit that will be the representative unit for that group and subject to performance testing.

(ii) A list of the process type and type of air pollution control device on each emission unit.

(iii) The date of last test for each emission unit and a schedule indicating when you will conduct performance tests for each representative emission unit.

(4) If you conduct subsequent performance tests on representative emission units, the unit with the oldest test must be tested first, and each subsequent performance test must be performed for a different unit until all units in the group have been tested. The order of testing for each subsequent test must proceed such that the unit in the group with the least recent performance test is the next unit to be tested.

(5) You may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation.

You must make available to the Administrator in the test report, records as may be necessary to determine the conditions of performance tests.

(d) The owner or operator shall determine compliance with the lead and opacity standards in §60.372a, as follows:

(1) EPA Method 12 or EPA Method 29 shall be used to determine the lead concentration (C_{Pb}) and the volumetric flow rate (Q_{sda}) of the effluent gas. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf).

(2) EPA Method 9 and the procedures in §60.11 shall be used to determine opacity. The opacity numbers shall be rounded off to the nearest whole percentage. The ASTM D7520-16, “Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere” is an acceptable alternative to EPA Method 9 with the specified conditions in paragraph (i) through (v) of this section.

(i) During the digital camera opacity technique (DCOT) certification procedure outlined in Section 9.2 of ASTM D7520-16, you or the DCOT vendor must present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand).

(ii) You must also have standard operating procedures in place including daily or other frequency quality checks to ensure the equipment is within manufacturing specifications as outlined in Section 8.1 of ASTM D7520-16.

(iii) You must follow the record keeping procedures outlined in §63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered JPEGs used for opacity and certification determination.

(iv) You or the DCOT vendor must have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15 percent opacity of any one reading and the average error must not exceed 7.5 percent opacity.

(v) This approval does not provide or imply a certification or validation of any vendor’s hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software and operator in accordance with ASTM D7520-16 and this letter is on the facility, DCOT operator, and DCOT vendor.

(3) When different operations in a three-process operation facility are ducted to separate control devices, the lead emission concentration (C) from the facility shall be determined as follows:

$$C = \frac{[\sum_{a=1}^n (C_a Q_{sda})]}{\sum_{a=1}^n Q_{sda}}$$

Where:

C = concentration of lead emissions for the entire facility, mg/dscm (gr/dscf).

C_a = concentration of lead emissions from facility “a”, mg/dscm (gr/dscf).

Q_{sda} = volumetric flow rate of effluent gas from facility “a”, dscm/hr (dscf/hr).

n = total number of control devices to which separate operations in the facility are ducted.

(4) The owner or operator of lead oxide manufacturing facility shall determine compliance with the lead standard in §60.372a(a)(5) as follows:

(i) The emission rate (E) from lead oxide manufacturing facility shall be computed for each run using the following equation:

$$E = \frac{\sum_{i=1}^M C_{Pbi} Q_{sdi}}{(PK)}$$

where:

E = emission rate of lead, mg/kg (lb/ton) of lead charged.

C_{Pbi} = concentration of lead from emission point “i,” mg/dscm (gr/dscf).

Q_{sdi} = volumetric flow rate of effluent gas from emission point “i,” dscm/hr (dscf/hr).

M = number of emission points in the affected facility.

P = lead feed rate to the facility, kg/hr (ton/hr).

K = conversion factor, 1.0 mg/mg (7000 gr/lb).

(ii) The average lead feed rate (P) shall be determined for each run using the following equation:

$$P = N W / \Theta$$

where:

N = number of lead ingots charged.

W = average mass of the lead ingots, kg (ton).

Θ = duration of run, hr.

§60.375a Recordkeeping and reporting requirements.

(a) The owner or operator must keep the records specified in paragraphs (a)(1) through (5) of this section and maintain them in a format readily available for review onsite for a period of 5 years.

(1) Records of pressure drop values and liquid flow rate from the monitoring required in §60.373a(a) for scrubbing systems.

(2) Records of fabric filter inspections and maintenance activities required in §60.373a(b)(1) or (b)(6)(i).

(3) Records required under §60.373a(b)(3) or (b)(6)(ii) of fabric filter pressure drop, pressure drop observed outside of normal operating ranges as determined during the most recent performance test, and corrective actions taken.

(4) Records of the required opacity measurements in §60.373a(b)(4) or (b)(6)(iii).

(5) If a bag leak detection system is used under §60.373a(b)(5), for a period of 5 years, keep the records specified in paragraphs (a)(5)(i) through (iii) of this section.

(i) Electronic records of the bag leak detection system output.

(ii) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the corrective actions taken, and the date and time the cause of the alarm was corrected.

(iii) All records of inspections and maintenance activities required under §60.373a(b)(5).

(6) Records of all cleaning required as part of the practices described in the fugitive dust mitigation plan required under §60.372a(c) for the control of fugitive dust emissions.

(7) You must keep the records of failures to meet an applicable standard as specified in paragraphs (a)(7)(i) through (iii) of this section.

(i) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, the cause and duration of each failure.

(ii) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(iii) Record actions taken to minimize emissions and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(b) Within 60 days after the date of completing each performance test or demonstration of compliance required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (b)(1) through (3) of this section.

(1) Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test. Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The data must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test. The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) Confidential business information (CBI). Do not use CEDRI to submit information you claim as CBI. Anything submitted using CEDRI cannot later be claimed CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information submitted under paragraph (b)(1) or (2) of this section, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated using the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. There are two methods to submit CBI data. The preferred method for CBI submittal is for it to be transmitted electronically using email attachments, File Transfer Protocol (FTP), or other online file sharing services (e.g., Dropbox, OneDrive, Google Drive). Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address oaqpscbi@epa.gov, and as described above, should include clear CBI markings and note the docket ID. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email oaqpscbi@epa.gov to request a file transfer link. If sending CBI information through the postal service, submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Lead Acid Battery Sector Lead, , MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraphs (b)(1) and (2) of this section. All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make

emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(c) You must submit a report of excess emissions and monitoring systems performance report and summary report according to §60.7(c) and (d) to the Administrator semiannually. Report the number of failures to meet an applicable standard. For each instance, report the date, time, cause, and duration of each failure. For each failure, the report must include a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. You must use the appropriate spreadsheet template on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/cedri>) for this subpart. The date report templates become available will be listed on the CEDRI website. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. Submit all reports to the EPA via CEDRI, which can be accessed through the EPA's CDX (<https://cdx.epa.gov/>). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. As stated in (b)(3) of this section, do not use CEDRI to submit information you claim as CBI. Anything submitted using CEDRI cannot later be claimed CBI. If you claim CBI, submit the report following description in (b)(3) of this section. The same file with the CBI omitted must be submitted to CEDRI as described in this section.(d) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with that reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (d)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) A description of measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(e) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with that reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (e)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) A description of measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

(f) Any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.